Food Information for Consumers introduction: Further reading

Subject matter and scope

Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers was published in the Official Journal of the EU on 22 November 2011 (OJ L 304, 22.11.2011, p. 18). It amended Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealed Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004. It replaces the 2000 EU Labelling Directive and the numerous amendments to it, bringing controls on nutrition labelling, which is made mandatory, into the same piece of legislation as other general labelling controls. The FIC thus also revokes the 1990 Directive on nutrition labelling. A few other Directives that have been made since 2000 and deal with particular matters of food labelling are also amalgamated into the new Regulation.

The provisions of the FIC generally apply from 13 December 2014, although provisions on the composition and labelling of minced meat apply from the beginning of 2014. Nutrition labelling is mandatory from 13 December 2016.

The regulation defines 'food information' in Article 2(2)(a) as '*information concerning a food and made available to the final consumer by means of a label, other accompanying material, or any other means including modern technology tools or verbal communication*'. This is an all-encompassing definition, with the information content on the labels of prepacked food being only one aspect of the FIC's coverage.

Article 1(3) of the FIC makes it clear that it applies throughout the food chain where food businesses' activities concern fulfilling the requirements of the Regulation to provide food information to consumers. Ultimately, the regulation applies to all foods intended for the final consumer, including those offered by caterers, and to foods intended for supply to caterers. Where a catering service is provided on a means of transport, the FIC rules apply as long as departure takes place from within the EU.

In general, the specific EU-wide rules of the FIC apply only to prepacked foods for caterers or consumers, with responsibility devolved to Member States to decide on what information should be delivered with food sold loose or packed on the same premises where it is sold. However, under Article 44 of the regulation, the provision of allergen information is mandatory even for non-prepacked foods, with Member State responsibility remaining only for the means by which this is delivered to caterers or consumers.

General principles and responsibilities

According to Article 3 of the regulation, food information should be such that consumers can make informed choices and make safe use of food, with particular regard to health, economic, environmental, social and ethical considerations. It should also enable in the EU the free movement of legally produced food.

Article 7 of the Regulation is entitled '*Fair Information Practices*' and establishes the general principle that food information must not be misleading. The point is made that this principle applies not just to words and pictures used, but also to product presentational aspects such as shape, appearance, packaging materials used, and product arrangement and display setting. The provisions of Article 7, for instance, could constrain in product labelling, references, in words or pictures, to the flavour of ingredients, when those flavours are delivered partially or totally by artificial flavourings. Article 7 also provides a check on the use of any number of marketing terms, such as 'traditional', 'pure', 'natural', for which there are no specific legal controls, only FSA guidance.

Article 8 of the Regulation deals with the responsibilities of food businesses throughout the supply chain.

Guidance on these aspects of the FIC can be found at EU level in a Commission Q&A document on the FIC and at national level in Guidance to Compliance, made available as part of the English, Scottish, Welsh and Northern Irish consultations on national execution and enforcement measures. Also available is FoodDrinkEurope (FDE, the trade association for the EU-wide food and drinks industry) guidance on the FIC, which covers the above aspects.